

# “It Now Exists”: The Birth of the Chilean Professional Legal Academia in the Wake of Neoliberalism

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*This article analyzes the processes shaping the emergence of a professionalized legal academia in Chile. Through a case study informed by quantitative and qualitative evidence, the study shows that the control and orientation of a professional school is a contested space, where the interactions between the profession, the market, and the state shape the trajectory of the legal education field. The article argues that the neoliberal remaking of higher education of the 1980s created a regime that increasingly relies on performance indicators modeled on the paradigm of the research university, which have been used as an opportunity by law schools seeking elite status to increase their academic reputation through the formation of bodies of full-time legal scholars. This new institutional environment has produced, however, an important degree of malaise among the new professional legal academics, the majority of whom resent that their research is increasingly swayed by the standards imposed by governmental or university-wide bureaucratic structures rather than by the needs of legal practice.*

## INTRODUCTION

Until recently, Chilean legal education was almost fully dominated by prestigious practicing lawyers for whom teaching was an ancillary occupation (Amunátegui 2016; Baraona González 2010; Muñoz 2014). This part-time and practitioner-dominated model of law school showed considerable resilience, despite important efforts at reform—most notably in the late 1960s, during the heyday of the law and development movement (Lowenstein 1970; Merryman 2000). Once this incipient reform program was crushed under Pinochet’s military dictatorship, the prospect that Chilean law faculties would become more academic and intellectually stimulating seemed remote. And yet, during the last two decades, law schools in Chile underwent a dramatic

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transformation. The neoliberal remaking of the higher education system generated the conditions for a cluster of well-funded and ambitious private and regional law schools to begin hiring legal scholars dedicated full-time to teaching and research. This led to a process of professionalization that was followed by the traditional elite universities. With a remarkable number of aspiring legal scholars returning with prestigious post-graduate degrees from abroad and filling the growing full-time posts in Chilean law faculties, the landscape changed considerably. When we asked about the main changes of legal academia since she was an undergraduate, one of our interviewees, a young scholar from a leading law school, answered succinctly: “Well, it now exists” (interview of a law professor from a public university on July 29, 2020).<sup>1</sup>

This article analyzes the process and ensuing tensions of the professionalization of legal academia in Chile. It aims at shedding light on the institutional dynamics that generated the conditions for the rapid emergence of a professionalized, scholarly oriented legal academia, which started to compete for the control of elite law schools, until then entirely dominated by leading legal practitioners. What made this process of professionalization possible? What have been the main characteristics of this process? How has this process been experienced by the new kind of professional legal scholar?

We examine these questions through a case study of the development of Chilean legal academia in the last two decades. We focus on the institutions more directly involved in this process.<sup>2</sup> Although there are more than forty law schools in Chile, arguably only about a quarter offer working conditions that enable full-time dedication to legal teaching and research reach a critical mass. We analyze a cluster of law schools that have managed to both attract the best students and provide a favorable environment for full-time legal scholars.<sup>3</sup>

The article draws from different sources of information. We collected information on the evolution and profile of full-time faculty in a sample of top law schools in Chile, on the award to legal scholars of the country’s most relevant individual research grants (FONDECYT program), and on national and international publications by law professors. We also conducted eighteen in-depth, semi-structured interviews with legal scholars from different universities in the country. We tried to maximize the variety of perspectives among our interviewees to control for relevant sources of bias. In addition to having both female and male legal scholars, we included in our sample professors from different types of universities, location, age group, and educational background. We asked them questions about how they experienced the process of professionalization of legal academia, what sources of opportunity they identify as driving the process of change, what motivated them to participate in that endeavor, and how they define their

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1. To ensure the anonymity of all our interviewees, we omitted or replaced all profiling information that could identify them.

2. Because of this decision, we do not look at the emergence of a periphery of legal academia: a cluster of emerging private and regional universities that have put pressure on their faculty to increase their research output, despite not having adequate working conditions. This is an important topic of research, but we cannot tackle it here.

3. The selection is based on prestige, research output, and capacity to attract the best students as reflected in rankings, research grants, and the average scores in the national entrance exam. See table A1 in the Appendix for basic information about the top ten law schools in Chile according to a ranking that is commonly used by prospective students.

scholarly work.<sup>4</sup> We analyzed the interview transcripts by generating and applying thematic codes using the Dedoose web-based software as it facilitates collaborative research.

We contend that the professionalization of legal academia in Chile is the product of two paradoxical developments. The first resides in the larger historical context. The Chilean university and their law faculties were traditionally focused on professional undergraduate education and dominated by the Latin American model of the part-time practitioner-professor. Although there were earlier attempts to transform law schools into research-oriented organizations, it was only during the last three decades, in a context dominated by privatization and competition, that the professional academic really took root in Chilean law schools. In particular, it was the neoliberal process of deregulation, privatization, and marketization inaugurated by the 1980s reforms that provided the institutional setting within which the professional academic came to the fore in a cluster of universities and their law schools. This process took place almost as an unintended consequence of the neoliberal remaking of higher education which was in part a counter-reaction to the university reforms of the 1960s.<sup>5</sup>

The second paradox derives from the fact that professional legal academics, who are the main beneficiaries of the process, have come to resent the very mechanisms that made possible the institutionalization of a professional academia. The neoliberal remaking of the Chilean higher education in the 1980s sought to roll back public funding and increase competition, while deregulation made possible an extraordinary growth and diversification of private higher education institutions. As the system became more competitive and government policies reinforced the model of the research university (via competitive distribution of what public funding remained, quality-assurance schemes, among others mechanisms), having a full-time faculty with post-graduate degrees, able to publish articles in journals included in international citation indexes (WoS or Scopus)<sup>6</sup> and to obtain competitive research grants, came to be seen as increasingly relevant for both the prestige of universities and the quality of their student bodies. It was the institutionalization of such bureaucratic markers of the research university that eventually led to the professionalization of legal academia despite the inertia of the traditional model in leading law schools. Yet, we found that despite using these markers to cement their position vis-à-vis part-time teachers, most contemporary professional legal academics have come to decry the large influence that these standardized markers of academic performance have on their scholarship and their career paths. In their view, these markers not only lack substance and force them to privilege quantity

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4. See Table A2 for the demographic breakdown of our interviewees.

5. Although highly contested, the concept of neoliberalism undoubtedly can be applied to this case as the reforms enacted by the Pinochet dictatorship in 1981 to transform higher education through privatization, deregulation, and competition was of a piece with its comprehensive modernization project that led to the remaking of the Chilean constitution, state, and economy. In this period, the dictatorship enacted not only a new constitution but major legislative reforms in all major policy areas, from labor relations and social security to health and water law—which has come to be seen as a most clear and extreme case of neoliberal politics. See Fourcade-Gourinchas (2002) and Castiglioni (2001; 2005).

6. WoS (Web of Science) and Scopus are two international journal indexes operated by Thomson Reuters and Elsevier respectively, two companies that provide subscription-based services based on databases compounded by scientific journals that fulfill some minimum quality criteria.

over quality but may well end up depriving legal scholarship of any real impact on the life of the law.

Besides offering the first documented reconstruction of the professionalization of Chilean legal academia and its twin paradoxes, this article provides general insights on the conditions that have made possible the creation of communities of professional academics that dispute the control over law schools by legal practitioners. The Latin American law school is a paradigmatic case of control by the legal profession. Historically, legal education in Latin America was born out of the need for an efficient political and bureaucratic state elite (Böhmer 2014; Baraona González 2010; Pérez-Perdomo 2006; Bravo 1998). In contrast to the US and UK, university training of lawyers preceded the constitution of an organized profession (Pérez-Perdomo 2019). During the nineteenth century, law schools developed alongside the emerging professionalization of law, as prestigious legal practitioners took charge of legal education endeavors in contexts in which university salaries were extremely low (Amunátegui 2016, 11, 23). This continues to be the case in most of the region, including formerly leading countries such as Argentina (Bergoglio 2006; Ramallo 2020), Brazil (Cunha and Ghirardi 2018, 254–56), or Mexico (Perez Hurtado 2009). Although all these countries have experienced processes of expansion of higher education and a massification of universities offering law programs, they have not witnessed a general professionalization of legal academia akin to the Chilean process. Except for some private universities (Spector 2008; Cunha and Ghirardi 2018, 254–56; Trubek 2011) or research institutions such as CIDE in Mexico (Posadas 2006), subordination of academic fields to professional control and dominance by prestigious members of the legal profession has thus remained the norm even in elite Latin American law schools. Our study highlights structural factors that made possible the departure from that norm in a group of elite law schools in Chile.

The second contribution that this article makes refers to the instability that the new landscape of law schools has generated among scholars focused on doctrinal legal research. As in most civil-law countries, most academics consider that the main function of legal academia is to provide a rational account of the law, with the aim of developing canons of legal interpretations that may contribute to a more certain and adequate legal practice (Damaska 1968; Merryman 1975). They believe their proper institutional position is to provide systematic and unbiased information about the content of the law (Merryman and Perez-Perdomo 2018, ch. 9). In such a model, which has remained hegemonic in all Latin American countries, the legal scholar speaks the language of the legal profession and of the courts, making them their central audience. But this model is suffering with the changes in the norms and standards governing legal academia, which push them toward research outputs misaligned with the direct interests of the local legal profession. The managerial models that define contributions through formal standards taken from the natural sciences alienates those legal scholars that feel that their contribution lie in writing for legal practitioners and officials.

At a more general level, our study shows that the control and orientation of a professional school is a contested space, where the interactions between the profession, the market, and the state shape the trajectory of the legal education field. These interactions are not separable from the broader political economic context, which in this case refers to the neoliberal remaking of higher education through privatization and marketization. It would be a mistake, however, to think these neoliberal reforms limited

themselves to rolling back state action. Neoliberal reform rather meant a change in the mode of state regulation. The state adopted an increasingly prominent “steering at a distance” role in higher education, making use of management techniques and practices drawn from business corporations (Bleiklie 2018). Briefly, these policies seek to increase the quality, productivity, and impact of university education and research through formal arrangements for institutional assessment and competitive research-funding (Bernasconi, 2008; Brunner, 2015).

Crucial for our purposes, this rather dirigiste aspect of neoliberal policies in higher education not only reshaped the way university professors are recruited, assessed, promoted, and rewarded by Chilean universities (Bernasconi 2010; Berríos 2015; Theurillat and Gareca 2015) but, as this article demonstrates, it furnished a number of rising law schools the means to increase their prestige and compete with more established elite law schools through the incorporation of professional legal academics to their faculties. But in this sector, as in many other publicly oriented fields, market competition and managerialism have been unable to constitute a community with shared norms and orientation. This has led to a widespread academic malaise derived from the disjunction between traditional legal scholarship and the demands imposed by the new university environment of law schools. These demands have transformed the work of legal scholars who now prioritize the publication of academic papers in internationally indexed journals, engaging with sophisticated global theoretical frameworks. The professionalization of legal academics has, thereby, increasingly disconnected them from the lawyers and judges who constituted their traditional audience. While only a few legal scholars have been able to substitute the old audience for well-established international networks of academics, a majority is pushed to write papers that do not cater to the needs of legal practice nor have an established academic audience, leaving them with the feeling that they write “papers that no one reads.”

## NEOLIBERAL REMAKING OF HIGHER EDUCATION AND THE RISE OF THE PROFESSIONAL ACADEMIC

We begin with an account of the historical conditions that made possible the institutionalization of a professionalized legal academia in Chile. In this part, we characterize the substantial changes in Chilean higher education that took place roughly between the late 1960s and early 2000s, providing structural opportunities for the professionalization of a career for research-oriented legal scholars. In the following part, we characterize both the emergence of a professionalized legal academia, and the outcomes emanating from it.

Before the great reform of the Chilean higher education system implemented in the 1980s, only four law faculties existed in the country (Lowenstein 1970, 125). Like the university system in general, they were entirely devoted to undergraduate teaching, relied heavily on state funding, and enjoyed a high degree of autonomy from government policy (Brunner 2015, 24–28). In keeping with the Latin-American model of part-time professor, their faculty was composed almost exclusively of professional practitioners that taught *ad honorem*, generally at their *alma mater*, for reasons of prestige or vocation (Berríos 2015, 358–61). Law schools were “part-time institutions [that]

lacked *esprit* as nearly all professors and many students owed primary allegiance to other activities or institutions” (Lowenstein 1970, 109).

The 1960s brought important changes to the higher education system and to law faculties. This period was marked by a remarkable expansion of both student enrollment (gross participation rate rose from 2.95 percent in 1960 up to 15.10 percent in 1973) and public funding (from 1.2 percent of GDP in 1960 to 2.1 percent of GDP in 1973). These changes democratized access to higher education and allowed universities to engage in the production of knowledge rather than limiting themselves to professional education (Bernasconi and Rojas 2003, 131–32; Brunner 2015, 28–30). Legal education also experienced important reforms due to the widespread conviction that the law and the legal profession were undergoing a profound crisis (Villalonga 2021; González 2018). Law schools, with international aid, experimented with curricula, teaching methods, and hired full-time faculty that could also engage in research (Lowenstein 1970, 99–101, 111–16; Merryman 2000). In the process, law schools, and universities more generally, became highly politicized; faculty sought to produce research that would inform social change, while students mobilized around social and political demands (Brunner 2015, 31–35). Yet the trends set by this intense, albeit brief, period of reform were entirely upset as a consequence of the coup d'état in 1973. Paradoxically, the expansion of the higher education system and the consolidation of the normative model of the research university and the professional academic took place under the rather different policies imposed by the authoritarian military government.

The project of the military dictatorship that governed the country between September 1973 and March 1990 was to permanently eradicate the “ways of doing and thinking politics that had come to characterize Chile by the 1960s” (Stern 2004, 31). From the point of view of the military junta, the politicization of universities meant they had strayed from their natural mission, and represented a source of security concerns. The first measures adopted by the dictatorship were all directed to restore these institutions to their proper mission and to “clean” universities from “antisocial” elements. In its first two years, the new regime removed about 20,000 faculty, staff, and students (Stern 2006, 184–85). During this time, universities lost their traditional autonomy and came to be ruled by delegated military authorities who reported directly to the junta. Reversing the expansive trends of the 1960s, there was a huge drop in government spending (from 2.1 percent in 1973 to around 1 percent of GDP in 1980) and student enrollment (the participation rate dropped from 15.35 percent down to 12.78 percent in the same period) (Brunner 2015, 35). Law faculties were also purged and subdued. Universidad de Chile, the oldest and most prestigious law school of the country, lost over a quarter of its legal academics, and school life came to be characterized by authoritarianism, suspicion, and surveillance (Ruiz-Tagle 2013, 84–85). Previous experimentation with curricula and teaching methods, and the efforts to recruit full-time professors and advance legal research were wiped out in the first few years, leaving almost no trace (Merryman 2000, 491–99; Guzmán Brito 2006, 342–43).

During the 1980s the military government moved on from this mostly repressive phase and adopted a more markedly foundational orientation that “envisioned a future shaped by economic neoliberalism, political authoritarianism and technocratic decision making” (Stern 2004, 31). As part of their comprehensive modernization project and



their remaking of the Chilean constitution, state, and economy, in 1981 the military dictatorship enacted reforms to transform the institutional framework and culture of higher education (Bernasconi 2008, 188, 191). These new policies brought about large changes to the institutional structure and financing of higher education aimed at introducing greater degrees of competition, and to scale back “social thought” while “bolstering technocratic, professional, and scientific fields considered more immune to social analysis and more beneficial to a modern society” (Stern 2006, 185).

As part of these reforms, the military junta downsized public universities and actively promoted competition by enabling the expansion and diversification of new private higher education institutions. This led to a major growth in the number of higher education institutions in the late 1980s—from just eight in 1980 to 302 in 1990—and a total restructuring of their funding (Bernasconi and Rojas 2003, 25). From then on, universities both traditional and new were expected to charge tuition that tracked actual unit cost as close as possible. While new private higher education institutions were entirely dependent on tuition, the old institutions saw their public funding greatly reduced. Overall, government spending on higher education was reduced from 1.06 percent of GDP in 1981 to 0.47 percent in 1988 (Bernasconi and Rojas 2003, 21–26; Bernasconi 2006, 190; Brunner 2015, 40), just as the system massified. Lastly, research funding was made separate through the creation of a competitive system of research grants (FONDECYT). During the 1980s and early 1990s, the competitive grants system benefited almost exclusively those disciplines in the natural sciences that already had a significant number of full-time academics focused on producing findings for publication in indexed journals (Bernasconi and Rojas 2003, 186–87; Brunner 2015, 39–42). Yet this policy would later come to influence all academic fields and play a significant role in our case.

After the return to democracy in 1990, government policies expanded and consolidated the existing institutional architecture of higher education. Although the uncontrolled multiplication of higher education institutions was curbed (from 302 in 1990 down to 240 in 2000), between 1990–2001 student enrollment in higher education grew 109 percent—the gross participation rate rose from 20 percent in 1990 to 40 percent in 2001 (Bernasconi and Rojas 2003, 124–25). As the number of students increased steeply during the 1990s, the demand for higher education created opportunities for the expansion of teaching endeavors.

The booming demand for teachers contributed to the development of a diversified and stratified faculty, with three divergent models coexisting in different institutions. A significant part of higher education teaching was still supplied by the traditional model of prestigious professionals teaching as an ancillary occupation. In many universities, that demand was also supplied by a new model of the part-time academic (the so-called “taxi professor”) who obtains most if not all of his income from teaching simultaneously in two or more institutions, normally has a postgraduate degree, and often seeks to become a full-time academic (Bernasconi and Rojas 2003, 138–39; Berríos 2015, 361–63). These two models have been dwindling in the more prestigious institutions (Veliz and Bernasconi 2019, 334). Instead, the increasing institutionalization of competitive public funding policies and of rankings that rewarded universities for having full-time professors who hold a doctorate, publish in indexed journals, and demonstrate ability to obtain competitive research grants, also incentivized the emergence of a

growing group of full-time, professional academics (Bernasconi and Rojas 2003, 135–38; Bernasconi 2006, 196–97; Berríos 2015, 355–58).<sup>7</sup>

The coexistence of these three models of university teachers coincided with the increasing stratification of Chilean universities—a phenomenon that would play a major role in the professionalization of legal academia. As traditional universities asserted their dominance by claiming elite status,<sup>8</sup> they expanded their recruitment process for full-time academics, who came to be treated as a valued asset and the gold standard of university prestige. This explains why the professional academic, despite being a minority within university professoriate, has become the most important in terms of ideals, values, and discourse (Bernasconi 2010, 141–43; Bernasconi, Berríos, and Véliz 2021, 238–45).

Following the 1980s reforms, law schools also expanded and diversified, although in different stages and at a different pace than the rest of the system. Between 1981 and 1989 the number of universities with law schools grew, but it was after 1990 that law schools boomed: the number of universities offering a law degree rose from seventeen in 1990 up to thirty-six in 2000 (Guzmán Brito 2006, 284–88) and student enrollment grew 136 percent, from 9,126 to 24,068 during the same decade (Bernasconi and Rojas 2003, 130). Law schools saw a larger enrollment increase than any other area of knowledge in that period. Yet the great majority of law professors were still primarily legal practitioners, who had no doctorate and did little research. Compared to the development of higher education in general, legal education lagged and the old law school model endured.

There were important forces that preserved the status quo within law schools, especially at the most traditional elite universities. The legal market expanded alongside the growth of the Chilean economy, giving rise to a booming corporate practice in the legal profession (De la Maza, Vargas, and Mery 2016, 23–26; Bravo 1998). The alumni of the two leading national universities, Universidad de Chile (UCH) and Pontificia Universidad Católica de Chile (PUC), concentrated the best paid and most influential jobs, enjoying high employability and excellent income perspectives (Zimmerman 2019, 10–11). It is no surprise, in consequence, that these elite traditional law schools remained under the control of leading members of the legal profession. Their teaching methods and orientation toward academic life barely changed in the 1990s (Amunátegui 2016, 25). Unlike other areas of higher education, elite law schools mobilized their traditional prestige and the economic success of their graduates to gain de facto autonomy from the central university bureaucracies and public policies that were imposing more demanding academic standards elsewhere. Still by the mid-2000s, in a

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7. University rankings both reflect and reinforce the academic markers that are associated with the research university model that has fostered the professionalization of the academia. As it happens elsewhere (Collini 2017, 49–58), these rankings, despite criticism and misgivings, have become increasingly influential in Chilean higher education (Reyes 2016).

8. Between 1981 and 2000, the three leading traditional universities of the system (Universidad de Chile, Pontificia Universidad Católica de Chile, and Universidad de Concepción) concentrated 67 percent of all the funds awarded by FONDECYT (Bernasconi and Rojas 2003, 186–89). Similarly, while only 27 percent of university professors held a doctorate in 2017, in these three leading universities this figure rises to 60 percent up to 75 percent (Veliz and Bernasconi 2019, 332). Finally, if only 19 percent of university professors were full-time as of 2013, in these three leading universities this figure rises to 60 percent up to 86.3 percent (Theurillat and Gareca 2015, 130, 139).



study regarding the new shape of PUC, Bernasconi (2005) reported that unlike almost all other faculties, law professors were not asked to publish papers. In contrast to most areas in higher education, law schools exhibited a strong resistance against the push to transform the traditional university. At the turn of the century, however, change was to come.

## COMPETITION THROUGH ACADEMIC MARKERS AND THE PROFESSIONALIZATION OF LEGAL ACADEMICS

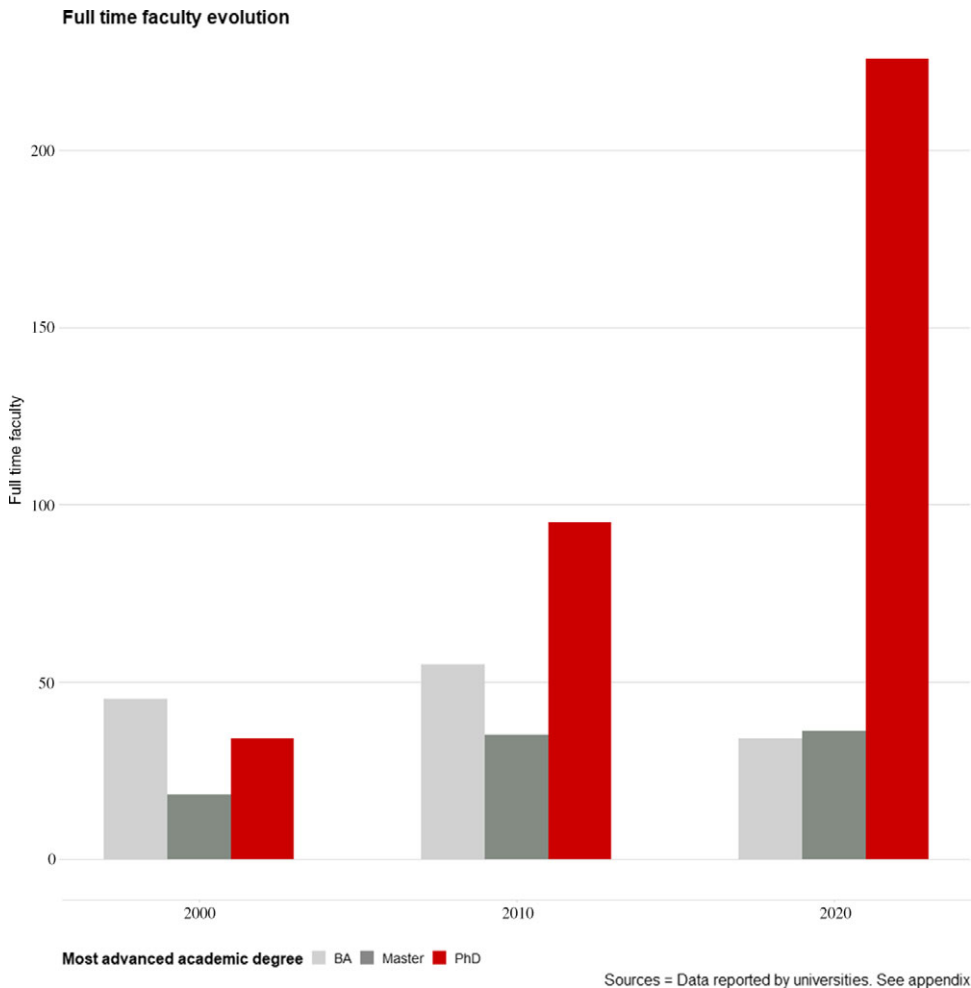
In this part, we present quantitative and qualitative data to characterize the process of professionalization of Chilean legal academia in the last two decades. We show how the number of full-time faculty increased significantly, and how the profile of full-time law professors changed substantially from individuals holding undergraduate law degrees to PhD holders. This change has been driven by both a transformation in the traditional law-school faculties, and by the emergence of private universities that seek elite status. One important aspect remains unchanged, however: the professoriate is still highly dominated by males.

We start by looking at the variation of full-time faculty. [Figure 1](#) provides a picture of the aggregated composition of full-time faculty in a sample of elite law schools (see [table A1](#)) at three moments in time over three decades (2000, 2010, and 2020).

The data presented in [Figure 1](#) is eloquent. Not only did the number of full-time faculty increase more than fourfold in just two decades, but those with doctorates increased almost tenfold. The figure also shows that a major part of the growth in full-time faculty took place in the 2010s. In [Figure 2](#) we provide a more precise picture of this growth by dividing our sample of top law schools into three different types: (1) traditional elite law schools, which encompasses the Universidad de Chile and Pontificia Universidad Católica de Chile, the Santiago-based, oldest and most prestigious universities in the country and which are highly connected to national political and professional elites; (2) regional law schools belonging to universities funded before the expansion of the higher education system of the 1980s and which tend to train local elites; and (3) new private law schools belonging to private universities founded after the neoliberal reforms imposed during the dictatorship and that, unlike other private institutions created during this period, compete to train the elite of the legal profession in Santiago.

The disaggregated data in [Figure 2](#) shows that the dominating profile of full-time faculty law schools by the year 2000 can be characterized by two factors: most law schools had a very small number of full-time professors, and most of them did not have a doctorate. The professionalization process was driven by a slow substitution and increase in full-time faculty, but also by a rapid process of hiring PhD holders in regional and new private law schools seeking to compete with the traditional elite universities.

[Figure 3](#) uses the ratio of full-time faculty to number of first-year students to provide a more comparable indicator of the growth of full-time law professors across the sample of elite law schools we examine. The figure highlights again how new private and especially regional law schools have embarked in a more intense process of professionalization of their faculty since the 2000s, relative to the evolution of the two elite national schools.

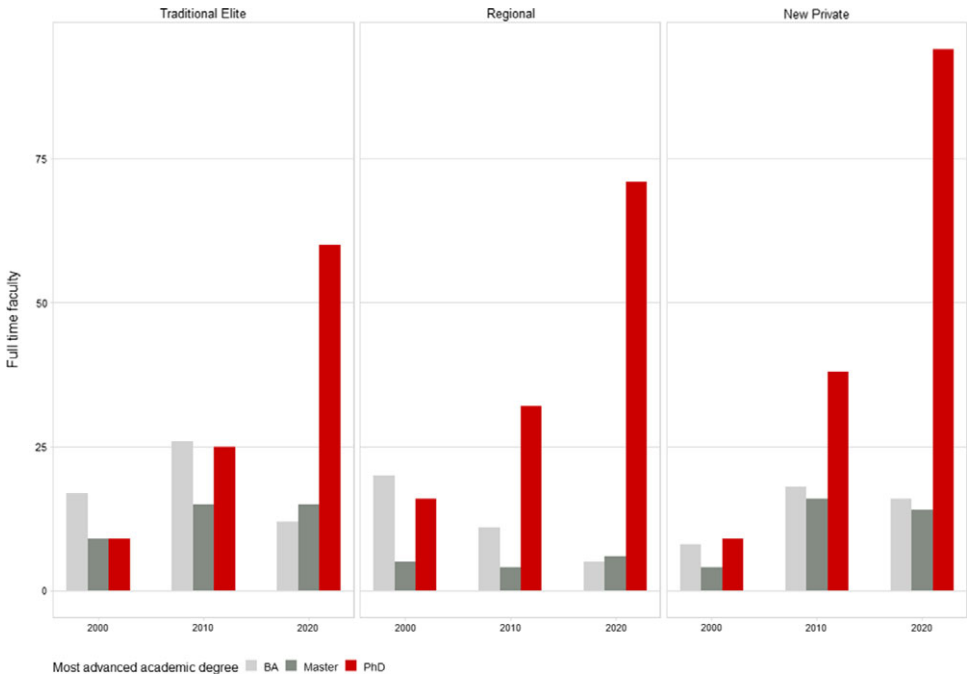


**Figure 1.**  
Evolution of Full-Time Law Professors at Top Law Schools in Chile.

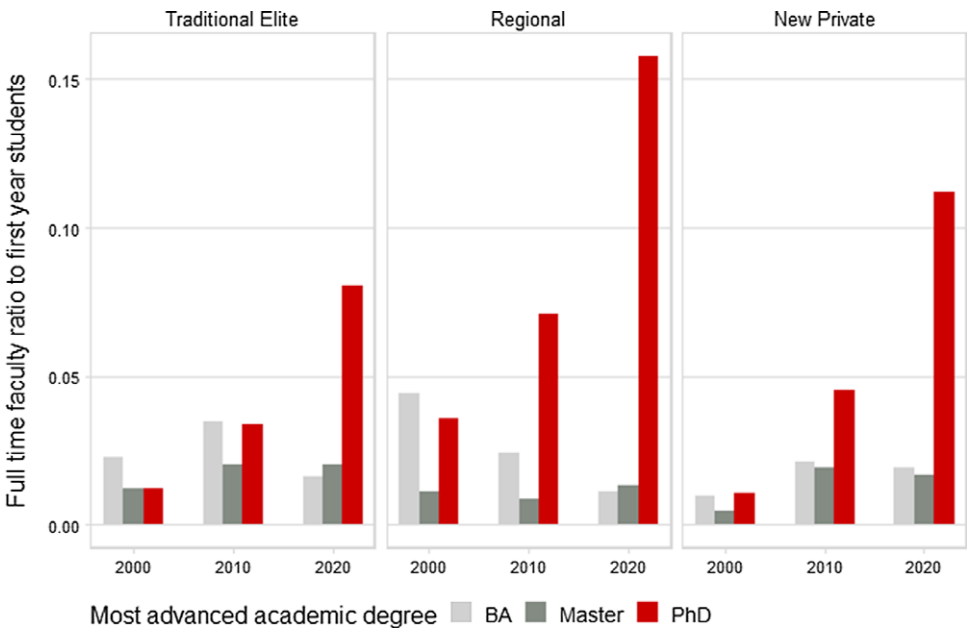
Finally, [Figure 4](#) presents the gender composition of full-time faculty by law school type. It shows that despite some minor gains in gender parity, even in the time of the professionalized law school this remains a territory dominated by males.

The data on the composition of full-time faculty provides evidence of a significant change: a professionalized law school emerged and consolidated itself in the last two decades. How was this change possible in institutions that had shown resilience and autonomy from the changes arising in the larger university environment?

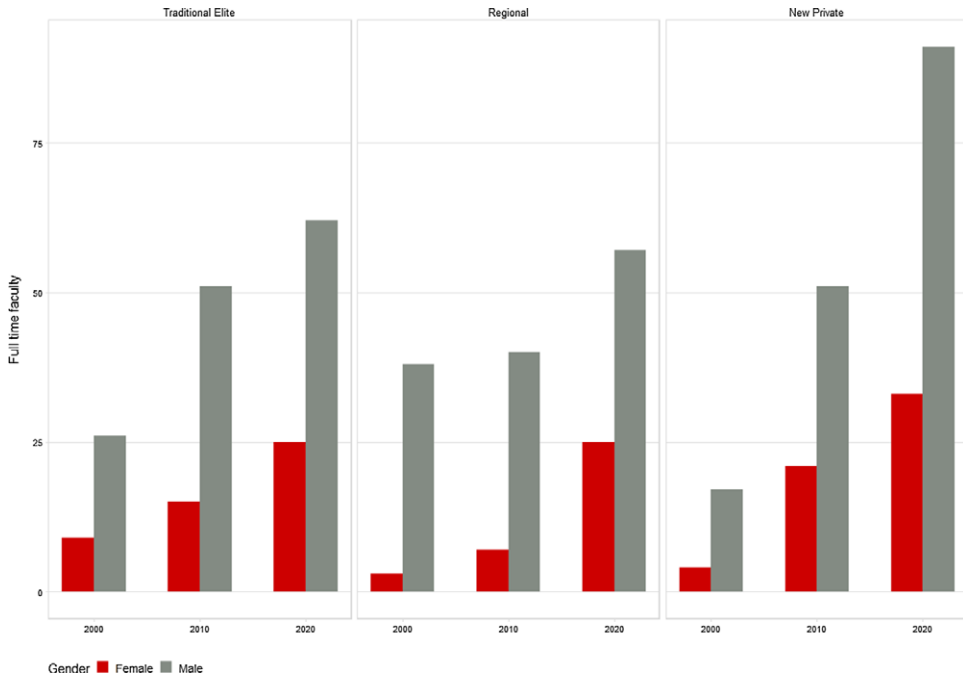
A process of institutional change requires not only actors motivated to produce it but also specific opportunities and resources those actors can utilize (Frickel and Gross 2005; Morrill, Zald, and Rao 2003; McAdam, McCarthy, and Zald 1996). On the side of actors, the motivation to transform law schools into more research-oriented institutions has always resonated among some group of students and professors, especially in



**Figure 2.**  
Evolution of Full-Time Law Professors at Top Law Schools in Chile by Type of University.



**Figure 3.**  
Ratio of Full-Time Faculty to First-Year Students by Type of University.



**Figure 4.**  
Evolution of Full-Time Law Professors at Top Law Schools in Chile by Gender.

the traditional elite universities that recruit the top students in the country. These motivations are plain to see in several of our interviews. Our interviewees offer a picture of a stark contrast between the unstimulating general experience provided by their traditional law teachers, and the inspiring memories left by the rare scholarly oriented teachers they met in law school. For many of them, this contrast provided motivation for the desire to change the landscape of legal education.

Yet in terms of breaking the inertia and resistance of the old law school, dissatisfaction with the study of law by motivated students lacks explaining power. The motivation for change has been a constant in the Chilean law school during the last century. Even in the few cases in which student mobilized to bring change to law schools, their impact was limited. A well-known case took place at *Universidad de Chile* School of Law in 2008. Led by Gabriel Boric—the current President of Chile who, at the time, was the leader of the students’ union—the students seized the campus demanding the resignation of dean Roberto Nahum who was accused of plagiarism and pleaded for the rise of academic standards.<sup>9</sup> They succeeded, leading to a process of recruitment of full-time scholars, which was later interrupted by a new election of Roberto Nahum as Dean for a

9. The story was widely followed by the national press and led to an internal strife between the President of the *Universidad de Chile*—who sided with the students—and the dean. The following newspaper articles published at the time in *La Tercera* provide basic information on the process: <https://www.latercera.com/noticia/rector-de-la-u-de-chile-asegura-que-decano-nahum-cometio-plagio-intelectual/>; <https://www.latercera.com/noticia/los-verdugos-de-nahum/> (last visited February 19, 2022). Jocelyn Holt (2015) provides a detailed albeit partisan account.

further period. Moreover, the fact that the elite traditional law schools lagged in the process of professionalization shows that the influence of pure student pressure was limited. Student pressure produced effects in resonance with other structural changes. In the words of one interviewee:

For us, the contrasting pressure of comparison with other law schools was really helpful. There was a moment in which our lagging academic status couldn't simply be ignored anymore. (Interview with a young professor from a traditional law school on August 4, 2020.)

It was indeed the availability of the model of the research university in the broader academic field that served as a driving and framing force for the development of a professionalized legal academia—the central opportunities for change emerged out of that fact. Aspiring legal scholars and full-time managers in less prestigious but ambitious law schools found a fertile terrain (Muñoz 2014). As we already pointed out, the most established leading law schools of the country could still rely on the professional and social success of their alumni as their main source of prestige, but the rest had to draw on new sources of prestige offered by the emergent normative model of the research university.

Gradually, these law schools found that aligning with the higher education bureaucracy that had emerged in the previous years was advantageous. In particular, they came to realize that aligning with the assessment criteria set by the national government agency for scientific research, CONICYT (today ANID), and by the system of university accreditation (Bernasconi 2005, 267; Muñoz 2014), could be leveraged in their competition to attract better students, funding, and other rewards.

The flagship of this orientation toward academic markers of prestige was the FONDECYT program of individual research grants that we mentioned in the previous section. FONDECYT provides the main source of funding for academic researchers in the country. The grants are allocated through a peer review system based on metrics that are developed by the government agency responsible for these grants with the advice of a working group of academics that is appointed per discipline. The metrics that peer reviewers use to evaluate the research projects submitted to the agency involve the quality, novelty, and feasibility of the proposals, and an assessment of the record of academic productivity of the principal researcher based on objective indicators. Although part-time professors can also apply to these grants as long as they are sponsored by an academic institution and commit to devote the number of hours per week required to carry out the research project, given the evaluation of prior publications it has become increasingly difficult for them to submit a competitive proposal. Conversely, full-time researchers with a strong record of past publications in indexed journals find themselves in a far better position to obtain a grant.

Just as traditional universities had mobilized the accumulation of these grants as markers of academic success in other areas, the up-and-coming law schools started to mobilize these grants as symbols of status within legal education. And, unlike other fields where the traditional elite universities (UCH and PUC) have been both innovators and leaders, the runners-up came to clearly dominate these grants in law (see Figure 5).

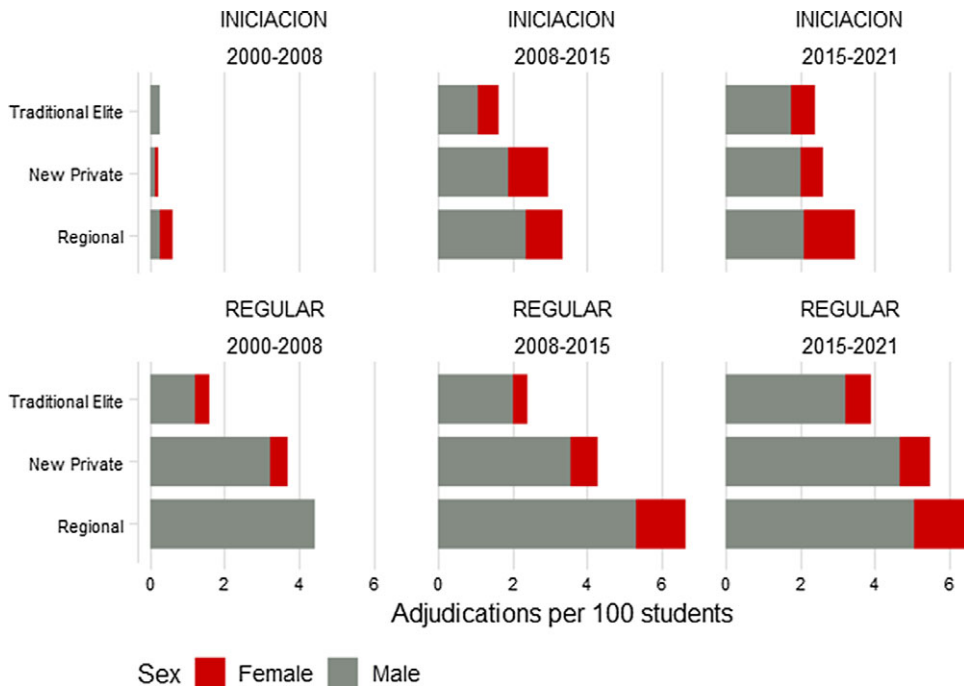


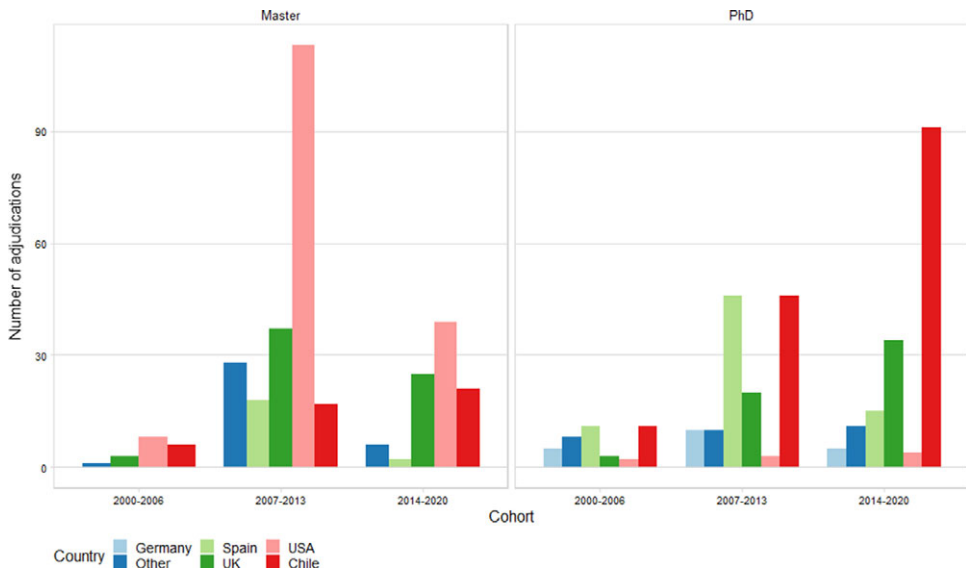
Figure 5. Number of FONDECYT Research Grants Adjudicated by the Legal Studies Group.

Figure 5 clearly shows the early dominance of regional and new private universities in accumulating the highly coveted FONDECYT government research grants (2000–2008 for the senior, “regular” version, and 2008–2015 for the junior, “iniciación” version). Although traditional universities have started to catch up lately, regional and private universities still dominate. Yet again, this highlights the driving force behind the professionalization of law schools in Chile: the competition between law schools seeking elite status through the use of markers of academic reputation.

Aside from the pressure emanating from increased competition within Chilean higher education institutions, access to graduate studies also transformed the job market of legal scholars, massifying and diversifying the legal professoriate. When the process of professionalization took off in many law schools in the early 2000s, they were faced with scarcity of PhD holders to recruit as full-time faculty. A PhD degree in law was rare and greatly valued. Several of our interviewees were thus benefited by university funding programs of young scholars seeking to pursue an academic career by completing a PhD abroad (Bernasconi 2005, 261). But access to funding for international studies grew significantly in 2008, as the government put in place the national program of scholarships “Becas Chile.” With it, access by law graduates to PhD and masters’ programs broadened significantly, as shown in Figure 6.

The data shows that the *Becas Chile* program has certainly served to fund the accumulation of international credentials by practicing lawyers (LLMs in the US), most likely in the booming area of law firms. Nonetheless, it has also played a great role





**Figure 6.** Number of Scholarships Granted for Master’s and Doctoral Studies in Law Per Country of Destination.

in forming a new generation of legal scholars, changing the landscape from one of supply shortage of PhDs to one of shortage of available positions for incoming research-oriented law professors. Consistently, the data suggests a transition from a model of funding a program of training abroad to a program of funding local PhD programs.

In sum, our data is consistent in showing that macro changes in Chilean society and in the higher education sector led to both the emergence of resources to be mobilized in the institutionalization of a differentiated legal academia, and to motivate young students and scholars to push for such a process against the resistance of the traditional model of law school. Through different strategies and at different rhythms—faster in rising regional and new private universities and slower in the national leading institutions because of their historical connection to the sites of power in the legal profession—these coalitions were successful in cementing the emergence of a professionalized legal academia. The tensions prompted by the emergence of a scholarly differentiated field arose quickly enough.

### NEW SCHOLARS IN SELF-ESTRANGEMENT: ATTITUDES AND PERCEPTIONS OF PROFESSIONAL LEGAL ACADEMICS

The data presented in the previous part shows a seemingly consolidated professionalization of an academic career within law schools. This process, as we have noted, is not without discontents and resistance. More interestingly, however, the attitudes that the new class of professional legal scholars exhibit toward the process of institutionalization of an academic career within law schools that they helped to shape are not of unqualified contentment.

Without question, all of our interviewees express foremost a sense of progress, compared to the situation of legal academia two or even one decade ago. In our interviews, they sometimes marveled at the fact that what they yearned for during their time as students in the old law school has come about:

I think [Chilean legal academia] is extremely professionalized . . . This is really good. I am, in this sense, what used to be called a conformist. In all areas, things are much better than they used to be. . . . And I say this because I remember how things used to be. . . . As a student, I perceived mostly shortcomings: shortcomings in quantity, quality, in the people who really did make academic work, the types of debate we could see. This was poor just 15 years ago. I would say there is a quantum leap there . . . (Interview with a young professor at a regional law school on July 13, 2020.)

Perceptions of quality among peers also tend to be high. Most of our interviewees express intellectual respect for fellow academics and strongly value the quality of the formal and informal discussions they have with them:

I feel that there was nothing and now there is an academia composed by young people that are in constant dialogue. I feel that now there is an academia that is similar to the European, the U.S., or to the one in some Latin American countries, where there is legal research, even if there is little research, incipient, but there is. My perception is that before there was no academia, and now it is good, there are good academics in Chile, and that is important to mention. I respect the opinion of many academics, I believe there are good people in Chile . . . . Since the time I returned [from obtaining my doctorate], I have met many people that I did not have in my radar and that are at the same level of people you would meet at NYU or Yale, or at some other place or in a conference. The big difference is that we all transformed ourselves [the younger generation] in professors, so we have appropriated something. (Interview with a young professor at a traditional law school on July 29, 2020.)

Yet, despite this unanimous sense of achievement, grievances and frustrations abound. Some sources of grievance are widespread, while others—including those related to formal markers of prestige and standardized expectations associated with a professionalized legal academia—are contested and heterogeneous.

Perhaps the most common grievances relate to a process that still is not yet fully consolidated—“birth pains,” as described by one of our interviewees. Indeed, the vast majority of interviewees report that despite all the progress, the emergence of a professional academic career within law schools has not evolved yet into a community of scholars with shared and stable norms and practices that shape their work.

The widespread misgivings with peer reviewing practices among our interviewees clearly belong to this category. Many academics describe most reviewers as lacking minimal standards, who simply judge papers or research proposals on whether they match their own personal views, and many times as just being unable to properly understand

academic work. In other cases, they resent the idiosyncratic fixations of reviewers such as asking to cite literature from a given, foreign context (especially from Spain).

Interviewees who have held editorial positions at the top legal journals in the country share this sense that peer-review standards have failed to take off. They consider that many reviewers do not take their task seriously enough. To counter this problem, academics have been forced to establish clusters of well-respected scholars that they trust to review articles appropriately. When faced with a case in which they are forced to ask people outside of these trusted groups, they see it as a highly risky business. This intense uneasiness with peer review seems to be distinctive of legal scholarship. Compared to neighboring disciplines, the field appears immature. Put in the words of a former member of the working group that presides over the assessment procedure in the most important research grant in law and political science:

In the FONDECYT working group that [problem] was very evident because you could see the standards of assessment of research projects in political science. After this experience, I must say I love political science. I find everything very interesting: you could see that their assessments were technical. For instance, they would say that the methodology you were using would involve using a specific regression model that would not fit with the analysis you want to conduct, etc. It is a much more technical thing than what happened in law, where the reviewers would just simply say that the research hypothesis is not clear and that's it. (Interview with a mid-career professor at a traditional law school on July 16, 2020.)

These tensions run even deeper when engaged with more innovative work that makes use of methodologies from other disciplines. Interdisciplinary projects are said to be increasingly valued, but our interviewees think that legal scholars do not know how to evaluate them. Furthermore, many of our interviewees believe that some reviews are motivated by political prejudice. But this criticism is generally rejected by interviewees that participated in editorial positions, especially when assessment takes place in open committees as in the case of FONDECYT: as a pure ideological drive is easy to identify, they find it easier to prevent this pitfall than others.

Another set of common grievances relates to the lack of proper academic discussion and engagement among local law professors. Although several interviewees express intellectual respect for their fellows and interest in pursuing discussions with them in seminars or in informal conversations, they often regret the absence of engagement with published works. Articles published in Chilean law journals tend to have insufficient citations or focus on debating with foreign scholarship (or both). In the words of one of our interviewees:

Chileans love to cite and fight with [Ronald] Dworkin, because Dworkin will not fight with them. This is not good for anyone. (Interview with a senior scholar at a private university on July 22, 2020.)

The quote refers to the famous Anglo-American legal philosopher, whose work has been widely disseminated in the country, partly because many law professors in

Chile have a strong inclination toward legal theory. But the ironic quote points more generally to the lack of density in local engagement with academic work. Law professors focused on doctrinal legal scholarship are particularly affected by the deficiencies in the proper engagement with local academic work. The main objective of their academic work is to contribute to the discussion of proper normative interpretations of the law, particularly in court cases that generate intense legal conflicts. And given that they usually concentrate on local cases, their analyses are often of interest only to the local community. Therefore, the lack of proper engagement with local research work deprives the academic endeavor of purpose and vitality. This perspective was widely shared by our interviewees with an inclination to produce doctrinal legal scholarship.

Aside from difficulties intrinsic to the field's lack of development, many grievances are often associated with the institutionalization of formal standards of academic success. Our interviewees express a consistent view on what those standards are, but they disagree on their value and impact: we have a shared currency, but legal scholars resent the value that is given to this currency. In the 2000s, different models of full-time faculty competed. Now, however, our interviewees report unanimously that two intimately related markers administered by the National Agency for Research and Development (ANID) of success have come to dominate: the publication of academic articles in journals that belong to international indexes such as WoS or Scopus, and the demonstrated ability to obtain grants awarded by ANID (especially FONDECYT). These markers of success and prestige are mutually reinforcing: the number of indexed articles published by a legal scholar as valued according to ANID criteria is a central determinant of the assessment of academic performance for research grants, and ANID research grants like FONDECYT require their beneficiaries to produce such publications.

Nowadays, the pressure imposed by such standardized performance indicators is felt in almost all dimensions of the career of a full-time legal scholar. All major law schools respond to university pressures to contribute to their overall standing by incentivizing the production of these outputs (Berríos 2008; Fernández 2008). Those expectations are generally expressed by regulations that establish evaluation rules for intellectual contributions. These regulations vary greatly: some establish monetary incentives for academic production, some allocate teaching load depending on research performance, while others follow a model of discretionary evaluation of academic output over a certain period. Yet, despite this heterogeneity of regulatory strategies, the assessment rules are pervasively oriented toward the production of the type outputs that have come to identify valuable research in Chile, namely papers published in internationally indexed journals valued according to FONDECYT criteria. In the words of one of our interviewees:

If you ask me about the criteria to decide where to publish, I think it is obvious that ANID rolls over anything else pretty much everywhere....  
(Interview with a mid-career professor from a regional university on July 6, 2020.)

This conclusion is shared by all the interviewees. Although a good number of scholars also personally value the existence of clear expectations of performance provided by standardization and the impulse it gave to the consolidation of a model of

professionalized legal scholarship, most have a negative view of their current role and think them to be counterproductive given the purpose of legal scholarship:

I do believe that [the standardization of academic production through FONDECYT] has favored us. This pressure has forced us to adopt some basic academic practices that were badly looked upon by the old law school. But I think the virtuous cycle of this process is reaching its end. What we are doing is starting to be increasingly absurd. The FONDECYT model should be done with. (Interview with a mid-career professor from a traditional law school on August 4, 2020.)

The quote expresses the ambivalence that legal scholars, as main stakeholders of the professionalization of legal academia, feel toward the standardization of academic life. They acknowledge its central, arguably decisive, role in the professionalization process. With that process consolidated, they generally resent the influence that the model continues to play. Many interviewees also believe that the indicators and metrics used to evaluate the academic performance of law professors has not necessarily led to good quality publications. They think that quantity presides over quality, and form over substance. Although they admit that the number of publications per law professor is much higher than before, they point out that this has not led to better quality publications. One interviewee expresses the point in stark terms:

I don't think there has been improvement. Rather, there has been a simple change of wrappings. The few good scholars, old or young, continue to produce excellent contributions. And the bad continue to publish very bad things. With pressures towards publishing more, we are simply reading more bad stuff, and just the same amount of good stuff. (Interview with a mid-career professor at a traditional law school on July 24, 2020.)

This quote represents perhaps the most negative perception of the influence that indicators and metrics on publications have had on legal academics among the scholars we interviewed for this project. Other interviewees express a more benevolent view on the new regime. But no one believes that it has evolved into a stable and shared corpus of substantive norms that define the way academics should plan and evaluate their work. Many interviewees complain about the fact that ANID has repeatedly changed the metrics used to evaluate academic publications in law. They take this as proof that what should be the main contribution and audience of legal scholarship remain unsettled questions. While the formal WoS or Scopus indexes are widely recognized as dependable and settled, the status and criteria of valuation of other kinds of research products—books, book chapters, or contributions to other journals—remain debatable.

The strongest forms of grievance with the current state of the field go beyond dissatisfaction with the implementation of formal criteria of academic success. Rather they derive from the perception that these criteria produce a kind of professional legal academia that does not fulfill its proper purpose. This is especially prevalent in the case of the still-dominant doctrinal model of legal scholarship. The standardization of intellectual production according to the general rules of academia has left many legal scholars

fearing for the specialness of legal scholarship and unable or unwilling to make sense of a substitution of stakeholders. When the legal profession was the main stakeholder of legal scholarship, doctrinal legal scholars had a clear perception of whom to write for: judges and lawyers. But the birth of the professionalized legal academia has increasingly alienated the most prestigious forms of scholarship from what is of interest to the legal profession. Legal scholars now see themselves as pressured to produce indexed papers “that no one reads,” and feel that they have lost hold of their connection with legal practice. The current reorientation of Chilean legal scholarship has started to appear strange to them: it cannot really be oriented to other disciplines, as they have no interest whatsoever in sophisticated debates about the interpretation of legal rules, but it is also not consumed by the legal practitioners. In the words of one of our interviewees:

We bought the narrative that we were going to be Germans.<sup>10</sup> But this is bullshit. Our local operators cannot follow our language and they have a very deficient legal formation. By now it is very clear that this model serves no one. (Interview with a mid-career professor at a traditional law school on August 4, 2020.)

Put between the two devils of the leading members of the legal profession and the higher education bureaucracy, our interviewees would very likely choose to ally themselves again with the bureaucracy. Yet, at the very least, they yearn for something else to become institutionalized.

## DISCUSSION: THE PARADOXES OF THE PROFESSIONALIZATION OF LEGAL ACADEMICS

Our case shows a seemingly paradoxical development. Against major odds, a recent generation of scholars succeeded in achieving its purpose and is changing the face of Chilean legal academia and legal education. This has changed the traditional relationship between academia and the profession in some of Chile’s top law schools, and may alter the landscape of legal education in the country in the long run.

Law schools, as other professional schools, play a mediating role between academia and the professions. These organizations are responsible for the training of future professionals but may also be committed to the cultivation of a body of knowledge. As the capacity of modern universities to provide training, certification, and valuable knowledge has become taken for granted, they supply legitimacy and increase the reach of a profession’s claim to control the performance of a profitable activity (Abbott 1986; Larson 1977). In return, the university’s activities are themselves funded and legitimized by their bonds with a profession, because their students gain access to a professional market and the investment in higher education can be justified in terms of future income and labor (Thies 2010). However, as academic work takes place in a different

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10. The reference is to the German institutionalization of legal academia as active commentators and critics of legal practice, with real influence on its development.



space than the professional work and may respond to a different rationale, tensions regarding the control and orientation of a professional school are likely to emerge. As we have seen, the traditional model of Latin American law school provides for clear dominance of direct control by the standard bearers of the profession.

In many different parts of Latin America, changing that landscape has proved impossible, only achieving small pockets of academic professionalization (Spector 2008; Cunha and Ghirardi 2018; Trubek 2011). In this article we have examined a particular context in which a professionalized academic field emerged despite being held under the grip of leading members of the legal profession. For there to be a professionalized legal academic field, three conditions must be met. First, universities must offer wages or other forms of support that allow them to recruit full-time scholars. Second, the intellectual production of legal academics must be sufficiently distinct from that of non-academics and valued accordingly. Third, legal professional academics must have sufficient power or status to maintain an organizational structure that makes the endurance of the two other conditions likely. This does not imply total independence, as law schools are still dependent on their students being employed and offered good wages in the professional market. But it does imply the development of a form of organizational life akin to that of the general research university. The Chilean case shows the unexpected patterns that made this process possible: through exploitation of the opportunities offered by a bureaucratized and competitive higher education policy which was originally meant to crush the intellectual tendencies of universities and boost their link to economic productivity. This is our first paradox.

This paradox led to a professionalization of top law schools that, to our knowledge, runs deeper than elsewhere in the region. In formerly leading countries, such as Argentina or Mexico, elite law schools remain mostly within the Latin American model of the part-time professor. Although these countries have developed relatively strong research communities through public funding agencies such as CONICET (Argentina) and CONACYT (Mexico), this has not led to a professionalization of law schools. What explains the difference in the Chilean case?

As this lies beyond the scope of our data, we can only offer speculative answers on an area that calls for future comparative sociolegal research. Perhaps the most important fact in this regard is that, during this period, top Chilean universities and their law schools could hire full-time academics with a doctorate and research skills without replacing current members of their faculties. In this respect, a key source of funding of Chilean higher education has been student fees. The distribution of income among academic units follows the dynamics of student interest—highly influenced by prestige and employment perspectives. This benefits law and other professional schools. As during our period student numbers grew constantly year after year, income kept being driven to law and other professional schools. This is what might have made it, until now, unnecessary to establish in Chile a career for researchers outside universities, making it possible to gradually renovate the university professoriate and maintain researchers more integrated to teaching and universities structures (Bernasconi 2017, 9).

The second paradox emerges out of the unexpected success of intellectual life. Despite the long-standing desire for the creation of a professional academic career within law schools, the scholars that now inhabit that field appear alienated, denoting a strong sense of malaise. This malaise is not limited to individuals who have settled at

the margins. Rather, it emerges from many of the main beneficiaries of the process. From where does this malaise emerge?

Other jurisdictions have seen some similar tensions between legal academia and the legal profession within their law schools. In the US, for instance, some may remember the debate elicited by George Priest's (1983) appraisal of the interdisciplinary turn of law schools, and Judge Edwards' criticism of the growing disjunction of legal scholarship with the legal profession (1992). But the phenomenon in Chile is altogether different. It is not an admonition coming from the profession, based on the reading that legal scholarship has grown *satisfied* with doing fancy intellectual work that serves no relevant interests of the legal profession. In Chile, it is rather a feeling of malaise that shows up in constant expressions of lack of purpose and lack of impact, emanating mostly (but not exclusively) from legal scholars focused on doctrinal legal research.

The idea of institutional malaise strikes us as a fitting description of the broader theoretical meaning of our case. Malaise refers here to a disjunction between the prevailing cultural aspirations of a group and the formal institutional aspirations imposed by their working environment. Legal scholars wish to produce outputs that diverge from those imposed by the prevailing rules of their trade as academics. The obligation to satisfy those standards and deviate substantially from their aspirations produces frustration and feelings of lack of purpose.

Previous research on academic dissatisfaction has emphasized the tendency of disjunctions in the structure of academia to lead to anomie and, subsequently, to deviance. Merton's concept of anomie (1938) refers to the generation of a disjunction between social structure—as a description of the distribution of legitimate means to realize social goals—and cultural aspirations imposed on individuals or groups of individuals (Cohen 1965; Featherstone and Deflem 2003). The inability to achieve aspirations through legitimate means would lead to deviance. In the sociology of academia, processes such as academic dishonesty have been explained by reference to Merton's concept (Braxton 1993). Braxton (1990, 214–15) argues that “for individuals who have been misled to believe that they are capable of achieving (scientific) group goals, anomie induces a sense of injustice which, in turn, leads to alienation.”

In our case, we certainly did not identify the spread of dishonest conduct nor—at least in our sample—inability to satisfy the formal demands imposed on professors—that is, to publish indexed papers. But these aspirations appear meaningless to most of them. Publishing high-impact papers in international journals is entirely alien to the kind of scientific work inherited from the traditional forms of academic communication used by part-time professors or by the Spanish or German (or lately also Chilean) communities in which many scholars pursued their graduate degrees. Chilean legal scholars share the ideological project of construing law as an autonomous form of science taken from the Continental tradition (Schepel 2007)—a status that appears fragile when measured and evaluated by common currencies of academic practice.

Even though most scholars have international training, most would probably say that legal scholarship is eminently local as it deals with local institutions. Thus, to a great extent, Chilean legal scholars do not read high-impact, international scholarship, do not cite these papers, and would not know how to continuously produce them. Rather, in order to survive, they have been forced to publish in the few local and regional journals that are listed in Scopus to obtain recognition. Our interviewees

depict these products as “papers that no one reads.” They have developed abilities to satisfy the goals imposed on them by legitimate means, but their goals appear meaningless to them.

This academic malaise seems to derive, therefore, from the disjunction between the inertia of traditional legal scholarship and the requirements of academic production imposed by the normative environment that surrounds the law school. The broader environment in which this incipient academia operates has set new expectations, such as the development of research projects with international projection. As we argue in this article, these expectations have not yet been fully internalized by legal academic culture, but they have certainly transformed, formally and substantially, the work and experience of current legal scholars, who now prioritize the publication of academic papers in indexed journals. The neoliberal professionalization has therefore created a body of full-time professors increasingly able to satisfy formal outcomes but in many cases dissatisfied with the type of outputs they produce, because these new outputs are increasingly disconnected with its historical audience. Only a minority of legal scholars have been able to substitute the old audience for well-established international networks of academics and publishing outlets. But most of them are far from that situation and experience the tensions between the traditional mode and audience of legal analysis and the new expectations of the university environment.

Moreover, the institutionalization of the professional legal academic has not brought about a significant transformation of legal education within their law schools. Despite the growing dissatisfaction and debate on legal studies and teaching practices, traditional legal education prevails (Solari, Charney, and Mayer 2017). We believe that the main reason why the professionalization of legal academia has not significantly changed the traditional styles of legal scholarship and education derives from the fact that, as we argue in this article, it has been driven primarily by external forces that prioritize research output over teaching excellence (which is rather difficult to measure). The process that has provided the conditions for a professional legal academia has centered almost exclusively on research and its main drivers come mostly from outside the law school: the model of the research university and its standardized performance indicators that can be used to compete for prestige and for the limited available government funding. So far, teaching has not been a central component of this market of academic markers.

We do not mean to suggest with this that there is no path available for a more stable and satisfying evolution of professional legal academia in Chile. Although law schools face unique challenges, time may also provide answers to them. For instance, given that the academization of legal scholarship has involved importing norms and practices from neighboring disciplines, there are growing possibilities for interdisciplinary research where the use of theories and methods from the social sciences and humanities may prove useful for the study of the behavior and impact of legal institutions. The law and society movement and the emergence of empirical legal scholarship in the United States and in other countries are good examples of the impact of this intellectual trend (Friedman 1986; Tomlins 2000; Hensler and Gasperetti 2017; Heise 2011). Only time will tell if this or an alternative model of full-time law professor provide for a sense of purpose in a paradoxically frustrated yet successful professionalized legal academia.

## REFERENCES

- Abbott, Andrew. "Jurisdictional Conflicts: A New Approach to the Development of the Legal Professions." *American Bar Foundation Research Journal* 11, no. 2 (1986): 187–224.
- Amunátegui, Carlos Felipe. "La Doctrina Jurídica En Chile. Un Breve Estudio Acerca Del Surgimiento de La Figura Del Jurista En Chile y La Educación Universitaria." *Revista de Derecho (Valdivia)* 29, no. 1 (2016): 9–28.
- Baraona González, Jorge. "La Cultura Jurídica Chilena: Apuntes Históricos, Tendencias y Desafíos." *Revista de Derecho de La Pontificia Universidad Católica de Valparaíso* 35, no. 1 (2010): 427–48. <https://doi.org/10.4067/S0718-68512010000200013>.
- Bergoglio, María Inés. "Las Facultades de Derecho Argentinas Entre Las Tradiciones y Los Esfuerzos de Cambio." In *La Formación Jurídica En América Latina: Tensiones e Innovaciones En Tiempos de La Globalización*. Edited by Rogelio Perez Perdomo and Julia Rodriguez, 101–42. Bogotá: Universidad Externado, 2006.
- Bernasconi, Andrés. "University Entrepreneurship in a Developing Country: The Case of the P. Universidad Católica de Chile, 1985–2000." *Higher Education* 50, no. 2 (2005): 247–74. <https://doi.org/10.1007/s10734-004-6353-1>.
- . "Breaking the Institutional Mold: Faculty in the Transformation of Chilean Higher Education from State to Market." In *The New Institutionalism in Education*. Edited by HD Meyer and Brian Rowan, 187–203. New York: SUNY Press, 2006.
- . "La Profesionalización de La Academia En Chile." *Calidad de La Educación* 28 (2008): 15–27.
- . "La Apoteosis Del Investigador y La Institucionalización de La Profesión Académica En Chile." *Estudios Sobre Educación* 19 (2010): 139–63.
- . "Desafíos Del Futuro De La Educación Superior Chilena." *Temas de La Agenda Pública* 96 (2017): 1–12.
- Bernasconi, Andrés, Paulina Berríos, and Daniela Véliz. "La Profesión Académica En Chile: 50 Años En Cuatro Momentos." *Revista de Educación* 24, no. 2 (2021): 227–46.
- Bernasconi, Andrés, and Fabio Rojas. "Informe Sobre La Educación Superior En Chile: 1980–2002." Santiago, 2003.
- Berríos, Paulina. "Normas y Percepciones Sobre Carrera Académica En Chile." *Calidad de La Educación* 28 (2008): 40–52.
- . "La Profesionalización Académica En Chile: Crecimiento y Profesionalización." In *La Educación Superior de Chile: Transformación, Desarrollo y Crisis*. Edited by Andrés Bernasconi, 345–70. Santiago: Ediciones Universidad Católica de Chile, 2015.
- Bleiklie, Ivar. "New Public Management or Neoliberalism, Higher Education." In *Encyclopedia of International Higher Education Systems and Institutions*, 1–6. Dordrecht: Springer Netherlands, 2018. [https://doi.org/10.1007/978-94-017-9553-1\\_143-1](https://doi.org/10.1007/978-94-017-9553-1_143-1).
- Böhmer, Martín. "Legal Education Reform: How the Academy at Chuquisaca Forged Argentina's Founding Elite." *Journal of Legal Education* 63, no. 3 (2014): 373–404.
- Bravo, Bernardino. "Estudios de Derecho y Cultura de Abogados En Chile 1758–1998." *Revista de Estudios Histórico-Jurídicos* 20 (1998): 85–106.
- Braxton, John M. "Deviancy from the Norms of Science: A Test of Control Theory." *Research in Higher Education* 31, no. 5 (1990): 461–76. <https://doi.org/10.1007/BF00992713>.
- . "Deviancy from the Norms of Science: The Effects of Anomie and Alienation in the Academic Profession." *Research in Higher Education* 34, no. 2 (1993): 213–28. <https://doi.org/10.1007/BF00992162>.
- Brunner, José Joaquín. "Medio Siglo de Transformaciones de La Educación Superior Chilena: Un Estado Del Arte." In *La Educación Superior de Chile: Transformación, Desarrollo y Crisis*. Edited by Andrés Bernasconi, 21–107. Santiago: Ediciones Universidad Católica de Chile, 2015.
- Castiglioni Nunez, Rossana. *The Politics of Social Policy Change in Chile and Uruguay*. New York: Routledge, 2005. <https://doi.org/10.4324/9780203958667>.

- Castiglioni, Rossana. "The Politics of Retrenchment: The Quandaries of Social Protection under Military Rule in Chile, 1973–1990." *Latin American Politics and Society* 43, no. 4 (2001): 37–66. <https://doi.org/10.1111/j.1548-2456.2001.tb00187.x>.
- Cohen, Albert. "The Sociology of the Deviant Act: Anomie Theory and Beyond." *American Sociological Review* 30, no. 1 (1965): 5–14.
- Collini, Stefan. *Speaking of Universities*. London: Verso, 2017.
- Cunha, Luciana Gross, and José Garcez Ghirardi. "Legal Education in Brazil." In *The Brazilian Legal Profession in the Age of Globalization*. Edited by Luciana Gross Cunha, Daniela Monteiro Gabbay, José Garcez Ghirardi, David Trubek, and David Wilkins, 247–63. London/New York: Cambridge University Press, 2018. <https://doi.org/10.1017/9781316871959.009>.
- Damaska, Mirjan. "A Continental Lawyer in an American Law School: Trials and Tribulations of Adjustment." *University of Pennsylvania Law Review* 116, no. 8 (1968): 1363–78.
- Dezalay, Yves, and Bryant Garth. *The Internationalization of Palace Wars*. Chicago: The University of Chicago Press, 2002.
- Edwards, Harry T. "The Growing Disjunction between Legal Education and the Legal Profession." *Michigan Law Review* 91, no. 1 (1992): 34–78.
- Featherstone, Richard, and Mathieu Deflem. "Anomie and Strain: Context and Consequences of Merton's Two Theories." *Sociological Inquiry* 73, no. 4 (2003): 471–89. <https://doi.org/10.1111/1475-682X.00067>.
- Fernández, Enrique. "Compromisos de Desempeño, Incentivos y Evaluación Del Trabajo Académico En Universidades Chilenas." *Calidad En La Educación*, no. 28 (April 2008): 72–89. <https://doi.org/10.31619/caledu.n28.203>.
- Figueroa, Gonzalo. *Derecho y Sociedad*. Santiago: Corporación de Promoción Universitaria, 1978.
- Fourcade-Gourinchas, Marion, and Sarah L. Babb. "The Rebirth of the Liberal Creed: Paths to Neoliberalism in Four Countries." *American Journal of Sociology* 108, no. 3 (2002): 533–79. <https://doi.org/10.1086/367922>.
- Frickel, Scott, and Neil Gross. "A General Theory of Scientific/Intellectual Movements." *American Sociological Review* 70, no. 2 (2005): 204–32. <https://doi.org/10.1177/000312240507000202>.
- Friedman, Lawrence M. "The Law and Society Movement." *Stanford Law Review* 38, no. 3 (1986): 763–80. <https://doi.org/10.2307/1228563>.
- González, Marianne. "The Rule of Lawyers: The Politics of the Legal Profession and Legal Aid in Chile, 1915 to 1964." Columbia University PhD Dissertation, 2018.
- Guzmán Brito, Alejandro. "La Enseñanza Del Derecho. Historia y Perspectivas." *Anales Del Instituto de Chile* 25, no. 2 (2006): 273–382.
- Heise, Michael. "An Empirical Analysis of Empirical Legal Scholarship Production, 1990–2009." *University of Illinois Law Review* no. 5 (2011), 1739–52.
- Hensler, Deborah R., and Matthew A. Gasperetti. "The Role of Empirical Legal Studies in Legal Scholarship, Legal Education and Policy Making: A US Perspective." In *Rethinking Legal Scholarship*. Edited by Rob van Gestel, Hans-W. Micklitz, and Edward L. Rubin, 450–75. Cambridge, UK: Cambridge University Press, 2017. <https://doi.org/10.1017/9781316442906.012>.
- Jocelyn-Holt, Alfredo. *La Escuela Tomada*. Santiago: Taurus, 2015.
- la Maza, Iñigo De, Juan Enrique Vargas, and Rafael Mery. "Big Law En Chile: Un Vistazo a Las Firmas de Abogados." In *Big Law: Estudios de Abogados En Chile*. Edited by Iñigo De la Maza, Rafael Mery, and Juan Enrique Vargas, 9–63. Santiago: Legal Publishing, 2016.
- Larson, Magali Sarfatti. *The Rise of Professionalism: A Sociological Analysis*. London/Berkeley/Los Angeles: University of California Press, 1977.
- Lowenstein, Steven. *Lawyers, Legal Education and Development. An Examination of the Process of Reform in Chile*. New York: International Legal Center, 1970.
- McAdam, Doug, John D. McCarthy, and Mayer N. Zald. "Opportunities, Mobilizing Structures, and Framing Processes – Towards a Synthetic, Comparative Perspective on Social Movements." In *Comparative Perspectives on Social Movements*. Edited by Doug McAdam, John D. McCarthy, and Mayer N. Zald, 1–20. New York: Cambridge University Press, 1996.
- Merryman, John Henry. "Legal Education There and Here: A Comparison." *Stanford Law Review* 27, no. 3 (1975): 859–78.

- . “Law and Development Memoirs I: The Chile Law Program.” *The American Journal of Comparative Law* 48, no. 3 (2000): 481–99.
- Merryman, John Henry, and Rogelio Perez Perdomo. *The Civil Law Tradition*. 4<sup>th</sup> ed. Stanford, CA: Stanford University Press, 2018.
- Merton, Robert. “Social Structure and Anomie.” *American Sociological Review* 3, no. 5 (1938): 672–82.
- Morrill, Calvin, Mayer N. Zald, and Hayagreeva Rao. “Covert Political Conflict in Organizations: Challenges from Below.” *Annual Review of Sociology* 29, no. 1 (2003): 391–415. <https://doi.org/10.1146/annurev.soc.29.010202.095927>.
- Muñoz, Fernando. “¿Hacia La Academización de Las Facultades de Derecho En Chile? Un Análisis Teórico y Comparado Del Conflicto de Las Profesiones.” *Revista de Derecho (Valdivia)* 37, no. 1 (2014): 9–25.
- Perez Hurtado, Luis Fernando. “Content, Structure, and Growth of Mexican Legal Education.” *Journal of Legal Education* 59 (2009): 567–97.
- Pérez-Perdomo, Rogelio. “Rule of Law and Lawyers in Latin America.” *The ANNALS of the American Academy of Political and Social Science* 603, no. 1 (2006): 179–91. <https://doi.org/10.1177/0002716205283132>.
- . “Educación Legal y Culturas Jurídicas: Comparación, Trasplantes y Resistencias.” *Revista Pedagogía Universitaria y Didáctica Del Derecho* 6, no. 2 (2019): 21–36. <https://doi.org/10.5354/0719-5885.2019.55305>.
- Posadas, Alejandro. “La Educación Legal En El CIDE (Mexico): El Adecuado Balance Entre Innovación y Tradición.” *Documentos de Trabajo Del CIDE* 21, 2006.
- Priest, George. “Social Science Theory and Legal Education: The Law School as University.” *Journal of Legal Education* 33, no. 3 (1983): 433–41.
- Ramallo, María de los Ángeles. “La Tradición Formalista En La Enseñanza Del Derecho y Su Impacto En La Formación Práctica.” *Revista Pedagogía Universitaria y Didáctica Del Derecho* 7, no. 1 (2020): 9–42. <https://doi.org/10.5354/0719-5885.2020.54934>.
- Reyes, Claudia. “Medición de La Calidad Universitaria En Chile: La Influencia de Los Rankings.” *Calidad En La Educación* 44 (2016): 158–96.
- Ruiz-Tagle, Pablo. “La Intervención Militar de La Facultad de Derecho: Una Historia de Resentimiento y Cobardía.” *Anales de La Universidad de Chile* (2013), 83–92.
- Schepel, Harm. “The European Brotherhood of Lawyers: The Reinvention of Legal Science in the Making of European Private Law.” *Law & Social Inquiry* 32, no. 1 (2007): 183–99. <https://doi.org/10.1111/j.1747-4469.2007.00055.x>.
- Solari, Enzo, John Charney, and Laura Mayer. “Tópicos Acerca de Los Planes de Estudios Jurídicos En Chile (y Su Nuevo Currículum Posible).” *Academia. Revista Sobre Enseñanza Del Derecho* 15, no. 30 (2017): 181–222.
- Spector, Horacio. “The Academic Study of Law in Argentina.” *Cuadernos Unimetanos* 15 (2008): 6–15.
- Stern, Steve. *Remembering Pinochet’s Chile*. Durham, NC: Duke University Press, 2004.
- . *Battling for Hearts and Minds: Memory Struggles in Pinochet’s Chile, 1973–1988*. Durham, NC: Duke University Press, 2006.
- Theurillat, Daniel, and Benjamín Gareca. “Organización de Docencia e Investigación En Universidades: Una Exploración Al Caso Chileno.” *Calidad En La Educación* 42 (2015): 120–60.
- Thies, Daniel. “Rethinking Legal Education in Hard Times : The Recession, Practical Legal Education, and the New Job Market.” *Journal of Legal Education* 59, no. 4 (2010): 18–30.
- Tomlins, Christopher. “Framing the Field of Law’s Disciplinary Encounters: A Historical Narrative.” *Law & Society Review* 34, no. 4 (2000): 911–71. <https://doi.org/10.2307/3115128>.
- Trubek, David. “Reforming Legal Education in Brazil: From the CEPED Experiment to the Law Schools at the Getulio Vargas Foundation.” University of Wisconsin Research Paper 1180, 2011. <https://ssrn.com/abstract=1970244>.
- Veliz, D., and Andrés Bernasconi. “Los Académicos En La Educación Superior Chilena: Una Profesión En Transición.” In *De La Reforma a La Transformación. Capacidades, Innovaciones y Regulación de La Educación Chilena*. Edited by Alejandro Carrasco and Luis Flores, 323–47. Santiago: Ediciones Universidad Católica de Chile, 2019.



Villalonga, Cristian. "Dwindling Professional Authority: Legal Elites and the Division of Governmental Labor in Chile, 1932–70." *Law & Social Inquiry* 46, no. 1 (2021): 226–51. <https://doi.org/10.1017/lsi.2020.13>.

Zimmerman, Seth D. "Elite Colleges and Upward Mobility to Top Jobs and Top Incomes." *American Economic Review* 109, no. 1 (2019): 1–47. <https://doi.org/10.1257/aer.20171019>.

APPENDIX

TABLE A1.  
Top Chilean Law Schools

University	Founding	Type of law school	1L class size*	Ranking*	Mean PSU *	Full-time Faculty**
Universidad Católica ("PUC")	1888	Traditional elite	325	1	757.30	39
Universidad de Chile ("UCH")	1842	Traditional elite	420	2	732.30	48
Universidad Católica de Valparaíso ("PUCV")	1893	Regional	185	3	678.60	37
Universidad de Concepción (UdeC)	1865	Regional	140	4	688.60	***
Universidad Diego Portales ("UDP")	1982	New private	261	5	667.00	25
Universidad de los Andes ("UAndes")	1990	New private	132	6	696.10	38
Universidad de Valparaíso ("UV")	1911	Regional	135	7	651.80	18
Universidad Adolfo Ibáñez ("UAI")	1990	New private	120	8	663.10	24
Universidad de Talca ("Talca")	1992	Regional	110	9	689.60	20
Universidad Austral ("Austral")	1990	Regional	85	10	676.91	26

\*Source: "Ranking de Universidades." *La Tercera - Qué pasa* 2020, at 22 (Dec. 12, 2021). PSU refers to the national university admission exam score.

\*\*Source: Information provided by each law faculty 2020.

\*\*\*Not provided.

**TABLE A2.**  
**Interview Sample**

University Profile	Country of PhD study	Age			TOTAL
		Under 45	45–60	Over 60	
Public	Civil Law	1 male	2 females	–	3
	Common Law	1 female	1 female	1 male	3
Traditional Private	Civil Law	2 females	3 females	–	5
	Common Law	1 male	1 male	–	2
New Private	Civil Law	1 female	1 male	–	2
	Common Law	1 male	–	2 males	3
					18